Sectt. II-27—36,006—30-10-38

Development (1939) Department

SERIES.

G.O. No 30

DATED 5—1—39

[Despatch Abstract.]

FORESTS - Wild animals South Kanara Puttur Taluk

Petition from Sri Kilar Ramachandrayya - Retention of tusks

Orders passed

Sampaje,
Puttur Taluk,
South Kanara District.
15-8-1938.

To

The Secretary,
To the Government of Madras,
Revenue Department,
Fort St. George,
M a d r a s.

SUB-TREASURY 22 AUG 1938 PUTTUR

Humble petition of Kilar Ramachandrayya, Landholder, Sampaje village, Puttur Taluk, South Kanara District.

The petitioner above named begs to state as follows:-

That the petitioner is a landholder and Potail of Sampaje village, Puttur Taluk. His house, areca garden and paddy fields situated in Kilar and Bantody are surrounded by the Sampaje Reserve Forest which is the abode of wild animals such as wild pigs, bisons and particularly wild elephants. These wild elephants descend in herds to his garden every now and then and cause heavy damages to the crops etc of the petitioner.

2 That from October 1937 onwards the depredations of these wild elephants on the petitioner's property took place at regular intervals These wild elephants caused considerable damage to the extent of about Rs. 1000/- to the petitioner's paddy fields and areca garden.

3. That the petitioner sought for protection from the proper authorities by means of several petitions but unfortunately for him no protection was given to him. As

the depredations of these wild elephants became numerous the damage to the petitioner's property also proportionately increased. The petitioner therefore in protection of his property shot two wild elephants one in his areca garden on 30-11-1937 and the other in his paddy fields at Bantody on 10-12-1937 Both these elephants which were shot died in the Reserve Forest surrounding the petitioner's patta land. This fact of shooting was duly communicated by the petitioner to the Forest Authorities who after an imperfect enquiry removed the four tusks of these dead elephants.

(1-12-37 according to D.F.O., Mangalore – vide p 134-(Z) (D Dis 3212/37 - Encl 1)

They had a right to remove the tusks - even without any enquiry

4. That the petitioner applied to the District Forest Officer, South Kanara, Mangalore as per his petition dated 9-3-1938 and also to the Chief Conservator of Forest Madras as per his application dated 18-3-1938 praying that the tusks of the elephants shot by him may be given to him but the Board of Revenue by its order Ref. No. 1390 dated 2-4-1938 communicated through the Collector of South Kanara stated that the tusks in question should not be given to the petitioner as the elephant was not shot with proper authority.

p 374-(Z)

p 794-(T) (D Dis 1383 1/2) and p 454 (Z)

5. That the petitioner submits that the elephants were not shot by him for the purpose of game but were shot in protection of his property. Further they were shot when they had actually invaded his patta lands and were causing damage to his paddy fields and areca garden, for which no authority was necessary. The petitioner submits that he was justified in shooting the said animals in defence of his property. The Board of Revenue therefore was not right in passing the aforesaid order.

(That he can't have the tusks)

6. That the petitioner submits that the Revenue Inspector and the Revenue Divisional Officer have visited the locality

p 41 & 554-(T)

in which damage was caused by the wild elephants and after personally inspecting the locality in question have come to the conclusion that the damage reported by the petitioner was real and the money value of the same mentioned by the petitioner was quite reasonable.

7. That the petitioner further submits that the Forest Range Officer, Kasaragode has visited the locality and has come to the conclusion that the wild elephants were shot in the patta lands of the petitioner.

p 74-(Z)

8. That it is a well known fact that the depredations of these wild elephants are very common and year in and year out these animals cause a lot of damage to crops as well as his property.

9. That in 1926 when wild elephants visited the petitioner's property and began to cause damage to it, the petitioner shot one wild elephant and the Chief Conservator of Forests was pleased to order Ref. No.4106-26-1 dated 19-5-1926 that the petitioner was to retain one of the tusks of the elephant he shot on 21-3-1926 in his paddy fields. From this it will be clear that wild elephants visit the patta lands of the petitioner and cause a lot of damage.

copy at p 5 infra

10. The petitioner therefore prays that the Government of Madras may be pleased to send for the connected records and after perusing them be pleased to revoke the order of the Board of Revenue referred to above and be further pleased to order that 2 out of the 4 tusks of the

p 79f-(T)

two elephants shot by him, be given over to the petitioner.

Sampaje

5824·38B5

Petitioner.

Humbly submitted through the Tahasildar, Puttur Taluk, for favourable orders

Sampaj
15. 8. '38

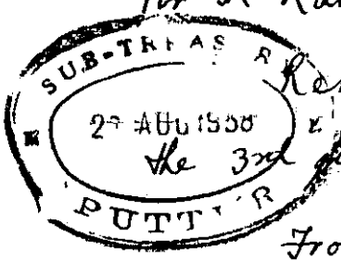
Potail, Sampaje village

7/22/8/38

True Copy (Ref:- Para 9 of Petition)

Copy of L. Dis.C.No. 4106/26 dated 7th July 1926 from the Chief Conservator of Forests, to the Conservator of Forests, VI Circle

Subject Forests Elephant Tusks — Retention by Mr K. Ramachandraya-Patel Sanctioned.



Reference G.O. No. 952 Mis. Development dated the 3rd July 1926 Read the following Papers

From the Chief Conservator of Forests, Ref. No 4106/26-1 dated the 15th June 1926.

order.

The Government permit Kilar Ramachandraya Patel to retain one of the tusks of the Elephant shot by him on the 21st March 1926 in his paddy fields

By orders of the Governor in Council

Proceedings Communicated to the conservator VI circle, with reference to his Ref: No. M. 1197/26 dated 28-5-26

D. Dis. No. 1197/26 dated 12-7-1926

Forwarded to the District Forest offices, South mangalore with reference to his R.O.C. No. 866/26. C.1 dated 1-5-1926.

Sd B. A. Cariappa
For Ag. Conservator of Forests.

R.O.C. No. 866/26 C-1.

Copy Communicated to the Range offices Puttur and Mr Kilar Ramachandraya for information. The latter is requested to take delivery of one of the tusks from this office

Mangalore. 21-7-1926

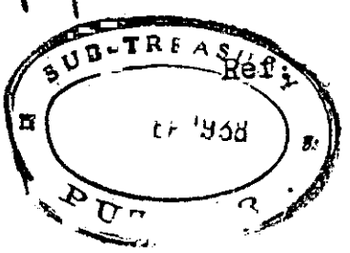
Sd Jn Baker 27/7
For District Forest offices
South mangalore

9 15-4

D.Dis No. 6631-37

M.R.Ry. M.V.Vellodi, Avl. B.A.
Collector of South Kanara.

1.9.38



Wild animals - Puttur Taluk-Shooting of wild elephants-Reterntion of the tusks - petition of M.R.Ry Kilar Ramachandrayya.

Petition dated 18-3-38 from M.R.Ry. Kilar Ramachandrayya, Sampaje Village Puttur Taluk-to the Board of Revenue Madras and Board's order thereon Rt.No. 1390 dated 2-4-38.

The Board of Revenue, Madras has ordered that the tusks of the elephant wounded by M.R.Ry Kilar Ramachandrayya of Sampaje Village, Puttur Taluk should not be given to him as the elephant was not shot with proper authority.

(By order)

South Kanara Collector's Office
Camp: Gurpur, dated 25-4-1938.

(Sd) M.B.Shanker Rao,
26-4-38
English Head Clerk.

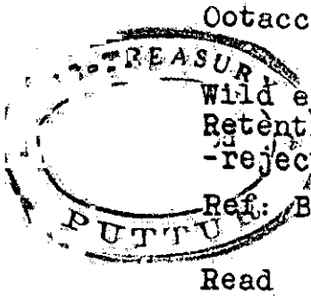
To

M.R.Ry. Kilar Ramachandrayya, Sampaje village, Puttur Taluk
Copy to the Tahsildar, Puttur
the Rev. Divl.Officer, Puttur
the District Forest Officer, Mangalore South.

/ True Copy /

8 11

Copy of L.Dis.3489/38 C.1 dated 28th April 1938 from the Chief Conservator of Forests. Madras, to the Conservator of Forests, Ootaccamund Circle.



Wild elephants-South Kanara-shooting of wild elephants. Retention of the tusks-petition from M.R.Ry.Kilar Ramachandrayya -rejected-B.P.communicated.

Ref: Board's proceedings routine No.1390 dated 2-4-1938.

Read

From the Chief Conservator of Forests, L.Dis.No.1829/38 C dated 8-3-38

Petition from M.R.Ry..Kilar Ramachandrayya,dated 18-3-38

1.9.38

Resolution.

The elephant was not shot with proper authority by the petitioner. The Board does not therefore, consider that the tusks of the elephant wounded by him should be given to him. The Collector is requested to inform the petitioner accordingly.

/True extract/

Sd. S.Raghava Ayyangar.
Assistant Secretary

Proceedings.

Copy forwarded to the Conservator of Forests,Ootaccamund Circle.

D.Dis No. 261/38 dated 8-5-38.

Copt to the District Forest Officer,Mangalore South with reference to his No. 3212/37 C 6 dated 9-2-38.

The petitioner may be informed of the Board's resolution.

Forest Conservator's Office
Ootaccamun Circle,Ootaccamund.
Dated 8-5-38(Camp:Manantoddy)

Sd. W.G.Dyson.
Conservator of Forests,
Ootaccamun Circle.

Ref: No. 3212/37 C 6

Copy communicated to M.R.Ry. Kilar Ramchandrayya for information.

Managlore.-16-3-38.

(Sd) S.S.Browne,
Dt. Forest Officer,M.S.

/ True Copy /

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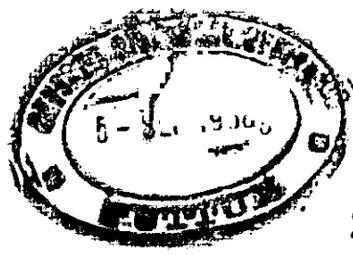
N. Dis C. No 5824-38 49

C-6332-38



Submitted through the Revenue Divisional officer Panthur.

2. The petitioner had not enclosed copy of the order referred to by him in para 4 of the petition. It was called for from him and he produced on 1.9.38 copies of orders received by him which, are enclosed

3. My predecessor Mr V. Lakshman had submitted a detailed report with this office N. Dis C No 8014-37 dated 18.1.38 on the matter in reply to Revenue Divisional officer's N Ref C No 8171/3 dated 16.12.37 after local inspection

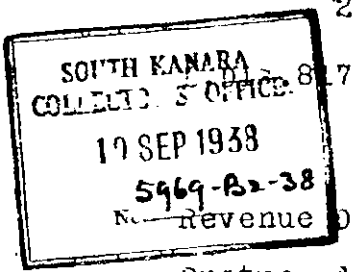
Dharapuram
2.9.38 Tahsildar

2.9.38

L.Dis.6332-38.

Submitted to the Collector.

2. The Tahsildar's report was submitted with mine -



D.Dis.8171/37.

(By Order)

Revenue Divisional Office,)
)
Puttur, dated 8-9-1938.)

Head Clerk.

BRP

R.O.C.5969-38-B2. South Kanara Collector's Office,

Mangalore, 20th September 1938.

From

Sri Rao Bahadur M. V. Vellodi, B.A.,

Collector of South Kanara.

To

The Secretary to Government,

Revenue Department,

M a d r a s.

Through

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Wild Elephants - Puttur Taluk - Shooting of - Retention of tusks - Appeal petition of Kilar Ramachandraya.

*****

I submit herewith an appeal petition with its enclosures from Kilar Ramachandraya against the order of the Board of Revenue in B.P.Rt.No.1390, dated 2.4.1938.

p79 (T)
p45 (2)

(T) 2. D.Dis.file 6631-37, dated 25.4.1938 of my office and D.Dis.3212-37 dated 19.5.1938 of the office of the District Forest Officer, South Mangalore relating to the subject are enclosed for reference and return.

(2)

For Collector.

20-9-38

Enclosures:-
D.Dis.6631-37.
D.Dis.3212-37 of D.F.O., Mangalore South.
Endorsements of Tahsildar, Puttur and Rev. Divl. Officer, Puttur on the present petition.

(T) 12

bb 9-10 ante

~~12~~ 19

C.F. 31—14,000—7-7-37.

DEVELOPMENT **DEPARTMENT.**

CURRENT No. 31934

ASSISTANT SECRETARY TO GOVERNMENT 27 NOV 1938 DEVELOPMENT DEPARTMENT

Received 19 *Registered* 19

Subject.

Wild animals - (South Kanara) - Puttur taluk - Shooting of Retention of tusks - Petition from Sri. Kilar Ramachandrayya Submitted.

Reference No. F.5089/38-1

Station Madras., *Dated the* 14th November 19 38.

From

D.I.R. Muir Esq., I.C.S.,

Joint Secretary,

Board of Revenue.

T. Austin Esq., I.C.S., Commr. of Land Rev. & Settlement.

Read the following:-

Letter from Sri. Rao Bahadur M.V. Vellodi B.A., Collector of South Kanara, No. Roc. 5969/38-32 dated 20th September 1938.

p 11 ante

REFERENCE.

Submitted to the Government.

2. The Board recommends that as the elephants shot by Sri. Ramachandrayya were not proscribed and were shot without proper authority, the tusks need not be given to him.

Ramachandran
for Jt. Secretary.
23.11.38

To the Secretary to the Government, Development Department with enclosures.

v.c/16.11.

23/11/38.

13

Development Department.

Sub: Shooting of Elephants in cultivated lands - Retention of tusks - Appeal against orders of the Board of Revenue.

To A.S.

Please see the petition from Sri. K. Ramachandrayya at pages 1-4, and the Board's resolution at page 12 C.F

The main complaint of the petitioner is that the Board of Revenue declined to let him have the tusks of the elephants shot by him in December'37 while they were damaging his paddy fields and areca garden.

extract (E)

It was not unlawful on his part to have shot the elephants in the circumstances stated. (Under clause 6 of the Madras Elephants Preservation Act shooting of wild elephants found upon cultivated lands is permissible) But he cannot claim the tusks of the elephants shot in patta lands unless the elephants thus shot had been proscribed as rogue elephants and he had taken permission to kill it. According to the instructions issued in G.O. 2301 Dev. dated 12-10-37 a person who with due authority destroys a rogue elephant, should be allowed to have the tusks of the elephant shot.

In the papers sent with the Board's Refce. there is no indication to show that any of the two elephants killed by the petitioner was a rogue elephant. The main contention of the Collector and the Board in having refused to give the tusks to Sri Ramachandrayya is that the elephants were not shot with proper authority The Board's resolution in the matter appears regular.

14 VV

-2-

Perhaps the Board of Revenue may be requested to inform the petitioner that the Govt. decline to interfere in the matter.

A draft order is submitted for approval.

Was not a similar case recently the recommendation was made that the gentleman who shot the animal should be given the tusks? Part of the trophy.

JVC 12/12/38

JVC 12/12/38

To A.S.

The file referred to is linked below. This case is similar to the case in the linked file. In this case the elephants are reported to have caused damage to private property. Please see the Range Officers report on 17A (2) - 4 the last at (2) the petitioner shot the wild animals and the question of previous permission does not arise in this case. The question whether the tusks should be handed over to him is one of discretion

30/198 I/38

(E)

3/XI/23

It has to be noted in this connection that these animals cause immense damage to property and in view of the loss sustained, the persons who shoot such animals should be given the tusks for orders

DJL 13/12/38

agree RK 16/12/38

CR 17/12/38

HM(H&RD). The tusks may be given to the man who shot the elephant.

17.12.38

Seen by SW 21/12

To 15.

A draft order is submitted for approval. It is for consideration whether a copy of the order should be sent to the petitioner or to Sri K-R. Karant

Not necessary to send it to Mr. Karant.

DJL 21/12/38

RK 21.12.38

Send a copy to the petr direct.

CR 21.12.38

38/371

15

C.F. 15.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	6/1	
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Forests – wild animals – S. Kanara Puttur taluk – Petition from Sri Kilar Ramachandrayya – Retention of tusks Orders passed

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

-p 12 CF

READ *ALSO*:—

C. No. 31934-I/38 From the Board of Rev Ref No. F.5089/38-1, dated 14-11 1938.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / ~~Resolution~~ Ms. / ~~Rout.~~ No. 30, dated 5·1·1939.

H1-4 CF

Collect 18 CF

~~This is an appeal petition~~

~~Sri~~ Sri Kilar Ramachandrayya has petitioned the Govt against the order of the Board of Rev. declining to permit him to retain the tusks of the two elephants shot by him. The facts of the case are briefly as follows. A herd of wild elephants were devastating the appellants' areca ~~passed~~ farden in S no. 33 in Sampaje Village and his paddy fields in Bantody In defence of his property, he shot one male elephant on 1-12-37 in his areca farden and another on 10-12-37 at Bantody Both the elephants were form

1379 folios
C1 (2)
1519 (1)
1237 (2)
1251 (2)

2 11 20

found dead at a distance of ~~about~~ ~~east~~ a mile from the place where they were shot. The ~~Appellant~~ petitioner submitted a report about the shooting of the elephants and the Range Officer concerned inspected the sites and took into safe custody the tusks of the two elephants. The ~~appellant~~ petitioner thereupon ~~put in a petition~~ applied for the grant of two of the tusks of the elephants shot by him. The Board of Rev. declined to grant the request on the ground that the elephants ~~were not~~ had not been proscribed and were shot without due authority. In his present petition ~~the appellant~~ Sri Narasimhadasayya states that the elephants were shot by him not for the purpose of game but in defence of his property. He further states that the elephants were shot when they had actually invaded his patta lands and were causing damage to his paddy fields and areca garden. This is borne out by the report of the Conservator of Forests, Coorg Circle,

L 19 } 7 (2)
L 25 }

H 72 25 7 (2)

petitioner

L 45 cl (2)

to your

Rams 5 L 2 cf

H 33-34 7 (2)

who has stated that the damage done to the ~~appellants~~ petitioners plantations was considerable. The Conservator of Forests has also ~~stated~~ observed that to expect the ~~appellant~~ petitioner to watch his livelihood being destroyed before his eyes and to take no action at all would seem to be expecting too much. In the above circumstances the Court would consider that the ~~appellant was~~ petitioner had sufficient ~~fully justified~~ justification for shooting the elephants on his patta lands and ~~they~~ are ~~hereby~~ pleased to direct that two of the tusks be granted to him as compensation for the damage sustained by ~~the appellant~~ him.

Para 10 N3CF

hra
21.12.38

KC
21.12.38

Sjc
21.12.38

Cit
29.12.38

To

The Board of Rev. (with records).

" C.C.F.

Copy to Kolar Ramachandrappa
Sampagi village
Kattiur Taluk.
South Kanara Dt.